

FILED

UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

OCT 09 2008

At _____ M
STEPHEN R. LUDWIG, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

WILLIAM K. SERLES,)
WILLIAM I. SERLES, JR.,)
PLAINTIFFS,)
VS.)
NATIONAL ACTION FINANCIAL)
SERVICES, INC.)
DEFENDANT.)

CASE NO. 12 08 CV 249

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiffs, William K. Serles (“Mr. Serles”), William I. Serles, Jr., (“Mr. Serles, Jr.”), against Defendant, National Action Financial Services, Inc., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (hereinafter “FDCPA”).

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. §1692.

Declaratory relief is available pursuant to 28 U.S.C. §§2201 and 2202. Venue is proper in this District in that the defendant has conducted business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff, Mr. Serles, is a natural person and an individual consumer residing in Porter County, Indiana.

4. Plaintiff, Mr. Serles, Jr., is a natural person residing in Porter County, Indiana.
5. Defendant is an incorporated business operating as a collection agency attempting to collect debts in Indiana and whose principal place of business is located in the State of New York.
6. The principal purpose of Defendant is the collection of debts and defendant regularly attempts to collect debts alleged to be due another.
7. Defendant is engaged in collection of debts from consumers using the telephone and mail. Defendant regularly attempts to collect consumer debts alleged to be due to another.
8. Defendant is a debt collector as defined by the FDCPA, 15 U.S.C. §1692a(6).

VIOLATIONS OF THE FDCPA

9. Defendant has been retained by Wells Fargo concerning collection of a consumer account regarding credit card transactions allegedly incurred by Plaintiff, Mr. Serles.
10. Defendant has failed to comply with the FDCPA.
11. Defendant has engaged in a consistent and deliberate pattern of harassing and deceptive acts in attempting to collect the alleged debt.
12. Defendant, by an agent, identifying himself as John Mancuso ("Mr. Mancuso), called Plaintiff Mr. Serles's cell phone, and left a voicemail concerning the Plaintiff's alleged account and proceeded to tell him to "Man up and call him back."
13. In a later voicemail, Mr. Mancuso stated that "It would be easier to call him now than to spend twenty years running from the issue."
14. Another form of harassment by Defendant has been phone communication to Mr. Serles parents, including Plaintiff Mr. Serles Jr.

15. Defendant, by Mr. Mancuso, called Plaintiff Mr. Serles, Jr., Mr. Serles' father, and informed him of Plaintiff, Mr. Serles' alleged indebtedness.

16. Despite requests for communication to the parents' home to cease, calls continued including those from Sarah at ext. 2439 who indicated she had every right to call as the number is a contact phone number.

17. Additionally, Mr. Mancuso continued the calls to Mr. Serles Jr. indicating "he wanted get Kris's side."

18. Defendant violated 15 U.S.C. §1692(b) in that the communication with Mr. Serles, Jr., a third party , was not limited to obtaining or acquiring location information.

19. Defendant by its' conduct has violated 15 U.S.C. §1692(b), and its various subparts thereof.

20. Defendant by its' conduct has violated 15 U.S.C. §1692(c), and its various subparts thereof.

21. Defendant by its' conduct has violated 15 U.S.C. §1692(d), and its various subparts thereof.

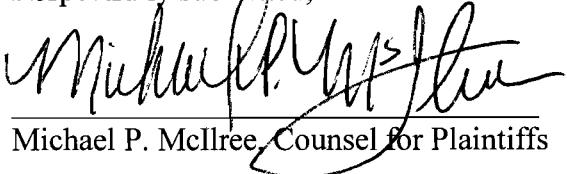
22. Defendant by its' conduct has violated 15 U.S.C. §1692(e), and its various subparts thereof.

23. Defendant by its' conduct violated 15 U.S.C. §1692 (f), and its various subparts thereof.

WHEREFORE, Plaintiffs, William K. Serles, William I. Serles, Jr. respectfully request that judgment be entered against Defendant, National Action Financial Services, Inc., for the following:

- A. Declaratory judgment that defendant's conduct violated the FDCPA;
- B. Actual Damages;
- C. Statutory damages pursuant to 15 U.S.C. §1692k;
- D. Costs and reasonable attorney fees pursuant to 15 U.S.C. §1692k; and
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

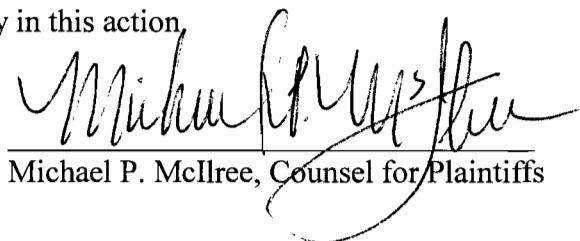


The image shows a handwritten signature in black ink, which appears to read "Michael P. McIlree". The signature is fluid and cursive, with some loops and variations in thickness.

Michael P. McIlree, Counsel for Plaintiffs

DEMAND FOR JURY TRIAL

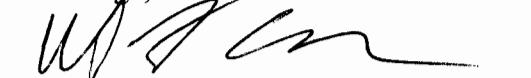
Plaintiffs demand trial by jury in this action,



Michael P. McIlree, Counsel for Plaintiffs

VERIFICATION

I, William K. Serles, hereby certify that the facts contained in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.



William K. Serles, Plaintiff

VERIFICATION

I, William I. Serles, Jr., hereby certify that the facts contained in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.



William I. Serles, Jr., Plaintiff

Michael P. McIlree
IN. Atty. 19847-45
Attorney for Plaintiff
821 E. Lincolnway, Ste. 1
Valparaiso, IN 46383
Tel: (219) 548-1800
Fax: (219) 548-5905
mcilree1@aol.com